

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 05-3184

United States of America,

Appellee,

v.

Ivory B. Mitchell, Jr.,

Appellant.

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Appeal from the United States
District Court for the
Eastern District of Missouri.

[UNPUBLISHED]

Submitted: January 31, 2006
Filed: February 15, 2006

Before ARNOLD, FAGG, and SMITH, Circuit Judges.

PER CURIAM.

Ivory Mitchell, Jr., pleaded guilty to escaping from custody, in violation of 18 U.S.C. § 751(a). The district court¹ determined that Mitchell was a career offender; calculated an advisory Guidelines imprisonment range of 37-46 months; denied Mitchell's motion for a downward departure; and, after considering the factors in 18 U.S.C. § 3553(a), imposed a sentence of 37 months in prison and 2 years supervised release. Mitchell appeals his sentence, arguing (1) the district court erred when it

¹The Honorable Rodney W. Sippel, United States District Judge for the Eastern District of Missouri.

determined that the escape offense was a crime of violence and consequently that he was a career offender, and (2) his sentence is unreasonable.

We reject both arguments. Mitchell's escape conviction qualifies as a crime of violence under U.S.S.G. §§ 4B1.1(a)(2) and 4B1.2 (career-offender provisions), see United States v. Nation, 243 F.3d 467, 471-72 (8th Cir. 2001) (walkaway escape is crime of violence under § 4B1.2), and he has not rebutted the presumption of reasonableness that attaches to his sentence, see United States v. Lincoln, 413 F.3d 716, 717-18 (8th Cir.) (sentence that is within Guidelines range is presumptively reasonable), cert. denied, 126 S. Ct. 840 (2005).

Accordingly, we affirm.
